THE 11th ANNUAL REPORT OF THE CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1, 1982 – DECEMBER 31, 1982

ADMINISTERED BY THE WORKERS' COMPENSATION BOARD
OF BRITISH COLUMBIA FOR THE MINISTRY OF ATTORNEY GENERAL

38

THE 11TH ANNUAL REPORT OF THE

CRIMINAL INJURY COMPENSATION ACT

OF BRITISH COLUMBIA

JANUARY 1, 1982 - DECEMBER 31, 1982

Administered by the Workers' Compensation
Board of British Columbia for the
Ministry of the Attorney General

THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

The Honourable Allan Williams
Attorney General
Province of British Columbia

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

Copies of this report may be obtained from:

The Honourable Allan Williams
Attorney General
Parliament Buildings
Victoria, B.C.

or from:

Workers' Compensation Board
6951 Westminster Highway
Richmond, B.C. V7C 1C6
Telephone: 273-2266

February 28, 1983

TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF
BRITISH COLUMBIA

May it please your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period January 1, 1982 to December 31, 1982.

Yours respectfully,

A.R. Gibbons
Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of (a) the commission of any one of 44 criminal offences set out in the schedule of the Act or where the injury or death resulted from; (b) the lawful arrest or attempt to arrest an offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or (c) the lawful prevention or attempt to prevent the commission of a criminal offence or suspected offence or assisting a peace officer in preventing or attempting to prevent the commission of such offence or suspected offence.

Section 10 of the Act, dealing with an action for damages and the Board's right of subrogation, was repealed during the year by section 2 of the Criminal Injury Compensation Amendment Act, 1982. A new provision was enacted permitting a victim or dependant to bring an action for damages, apply for and receive compensation or do both. Under the former provisions a victim or dependant could not do both and had to elect either to claim compensation under the Act or bring an action for damages. The amendment came into force by Royal Assent on October 1, 1982.

APPLICATIONS

Applications have continued to increase steadily as the Act becomes more widely known to the public. 1,008 applications were received during the year, which when added to the 112 applications carried forward from the previous year, presented 1,120 claims for consideration and decision; of that number 957 applications were disposed of leaving 163 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 6,230 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the province (see list of offices on the last page of this report). General information pamphlets are also forwarded or given to every prospective claimant along with the application form. All completed applications are required to be submitted to the Board's office in Richmond for further processing. The Act prescribes a one year time limit for submitting an application although the Board has authority to extend the time for such further period as it considers warranted.

A random selection of applications reviewed during the year is contained in summary form on pages 14 to 21. Three decisions on actual claims have also been reproduced on pages

10 to 13 and to illustrate the general format of the decisions and the factors normally taken into consideration in adjudicating claims under the Act.

COMPENSATION AWARDS

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the amount of the award. Compensation may be awarded in the form of a lump sum payment and/or a periodic award. The majority of the awards are in the form of a lump sum payment with these awards, on the average, being approximately $3,500. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by section 13 of the Act. No compensation may be awarded where the amount payable is less than $100.

A total of $2,969,327 was paid out in compensation awards in 1982. Of that total, $2,282,842 was awarded in lump sum payments and $686,485 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation a total of $13,900,608 has been paid out in lump sum and periodic awards.

The Province is responsible for paying all compensation and costs but, pursuant to a cost sharing agreement, which has been in effect since January 1, 1973, it recovers from the Government of Canada except for administration costs, 10 cents per capita of the population of the Province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1982 the contribution by the Federal Government amounted to $271,060 or 10 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1981.

PUBLICATIONS

Efforts continue in an attempt to increase public awareness of the Act. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, victim assistance agencies and organizations, rape crisis centres, and the news media, among others.

During the past year the Board was represented on radio and television shows and held meetings and discussions with various

interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the Province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board's workload has continued to increase steadily. 851 cases were adjudicated and finalized during the year. Awards were granted in 606 of these cases. The remaining 245 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were accordingly disallowed.

Assault cases continued to dominate as the most common type of crime involved. Of the 606 awards granted during the year, 339 involved cases of assault. Robbery was the next most frequent category of crime, involving some 104 cases.

In May, 1982 the Board hosted a conference involving the Canadian Association of Crime Victim Compensation Boards. The meeting was held in Victoria, B.C. and was attended by various delegates from the Canadian provinces. Guest speakers included Mr. Richard H. Vogel, Deputy Attorney General of British Columbia.

The total expenditures for the year amounted to $3,391,291. Administration costs amounted to $421,964 or approximately 12% of that total. Additional details of these expenditures are contained on page 6 of this report.

ACKNOWLEDGEMENTS

The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers and various other persons and associations, for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

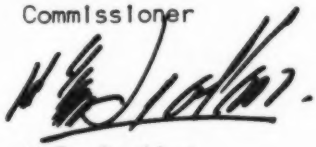
Respectfully submitted,

A.R. Gibbons
Chairman

R.B. Bucher
Commissioner

M. Parr
Commissioner

G.W. Hall
Commissioner



H.E. Scollan
Commissioner

STATISTICAL SUMMARIES
****

VOLUME OF WORK

	1972-80	1981	1982	Total to Date
Applications received	4,401	821	1,008	5,230
Number of awards granted	2,944	542	606	4,092
Awards paid	$8,680,673	$2,250,608	$2,969,327	$13,900,608

SUMMARY OF APPLICATIONS AND DISPOSITION

January 1, 1982 to December 31, 1982

Applications carried forward from prior years	112
Applications received in 1982	1,008
	1,120

Disposition of Applications:

(a)	Applications allowed - awards granted	606
(b)	Applications denied - award to applicants not allowed	245
(c)	Applications withdrawn/abandoned	106
(d)	Applications carried forward to 1983	163
		1,120

Summaries of awards:

(a)	Number of lump sum awards granted in 1982		585
(b)	Number of periodic awards granted in 1982		21
(c)	Lump sum payments	$2,282,842	
*(d)	Periodic payments	686,485	
(e)	Total awards paid	$2,969,327	

* Includes ongoing payments on claims adjudicated in prior years.

SUMMARY OF EXPENDITURES

For the year ended December 31, 1982

Claim costs:		
Awards paid	$2,975,406	
Less third party recoveries	(6,079)	$2,969,327
Administration Costs:		
Salaries and payroll	365,814	
Occupancy and other service costs	31,380	
Travel and field investigations	18,355	
Communications	5,644	
Equipment	2,126	
Canadian Association Conference	1,424	
Supplies and stationery	786	
Miscellaneous	700	
Less third party recoveries	(4,265)	421,964
Total Expenditure		$3,391,291

CRIMES INVOLVED ON AWARDS GRANTED

****

Causing Bodily Harm by Explosive Substance	1
Dangerous Use of Firearm	3
Rape	35
Attempted Rape	5
Sexual Intercourse Female Under 14 or 16	1
Indecent Assault on Female	12
Common Nuisance Causing Harm	6
Causing Death by Criminal Negligence	3
Causing Bodily Harm by Criminal Negligence	2
Murder	44
Manslaughter	7
Attempted Murder	14
Causing Bodily Harm with Intent	30
Common Assault	48
Assault Causing Bodily Harm	270
Assault with Intent to Commit Indictable Offence	9
Illegal Confinement	4
Robbery	104
Intimidation by Violence	1
Mischief Causing Actual Danger to Life	3
Arson	1
Assisting a Peace Officer	1
Preventing a Crime	2
	606

APPLICATIONS BY AREA

****

ABBOTSFORD	5	KITWANGA	2
AGASSIZ	11	LADNER	1
ALDERGROVE	1	LAKE COWICHAN	1
ARMSTRONG	1	LANGFORD	1
ASHCROFT	2	LANGLEY	12
BARRIERE	1	LILLOOET	1
BURNABY	53	MACKENZIE	2
BURNS LAKE	4	MADEIRA PARK	1
CACHE CREEK	1	MAILLARDVILLE	1
CAMPBELL RIVER	9	MAPLE RIDGE	12
CANAL FLATS	1	MATSQUI	4
CASTLEGAR	1	McLEOD LAKE	1
CEDAR	1	MERRITT	2
CHASE	1	MISSION	3
CHEMAINUS	1	MISSION CITY	1
CHERRYVILLE	1	MUNCHO LAKE	1
CHILLIWACK	6	NANAIMO	16
CLEARBROOK	1	NELSON	4
CLEARWATER	1	NEW HAZELTON	1
CLINTON	1	NEW WESTMINSTER	34
CLOVERDALE	8	NORTH VANCOUVER	29
COQUITLAM	24	OKANAGAN FALLS	1
COURTENAY	2	OSOYOOS	2
CRANBROOK	8	PARKSVILLE	1
CRESTON	3	PARSON	1
DAWSON CREEK	3	PENTICTON	6
DEASE LAKE	1	PORT ALBERNI	4
DELTA	13	PORT COQUITLAM	6
DEROCHE	1	PORT HARDY	1
DUNCAN	4	PORT MOODY	7
ELKFORD	1	POWELL RIVER	1
ENDERBY	1	PRINCE GEORGE	33
ESQUIMALT	3	PRINCE RUPERT	9
FORT ST. JAMES	3	QUADRA ISLAND	1
FORT ST. JOHN	3	QUATHIASKI COVE	1
FRUITVALE	1	QUEEN CHARLOTTE	2
GANGES	2	QUESNEL	5
GIBSONS LANDING	5	REVELSTOKE	5
GILLIES BAY	1	RICHMOND	21
GOLD RIVER	1	RISKE CREEK	2
GOLDEN	1	SAANICH	2
HANEY	1	SANDSPIT	1
HARRISON HOT SPRINGS	1	SECHELT	2
HIRSCH CREEK	1	SICAMOUS	1
HOPE	5	SIDMOUTH	1
HOUSTON	4	SIDNEY	1
HUDSON HOPE	1	SLOCAN	1
KAMLOOPS	25	SMITHERS	1
KASLO	1	SOOKE	1
KELOWNA	16	SPARWOOD	1
KIMBERLEY	3	STEWART	1

SUMMERLAND	1	VANDERHOOF	1
SURREY	47	VEDDAR CROSSING	1
TAKLA LANDING	2	VERNON	7
TAYLOR	1	VICTORIA	41
TELEGRAPH CREEK	1	WEST VANCOUVER	2
TERRACE	6	WHALLEY	1
TRAIL	1	WHISTLER MOUNTAIN	1
TSAWASSEN BEACH	1	WHITE ROCK	5
VALEMOUNT	1	WILLIAMS LAKE	6
VANCOUVER	379	100 MILE HOUSE	1
			1,008

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims. When these decisions are reached a copy is sent to the claimant and a copy is also sent to the Ministry of the Attorney General.

ILLUSTRATION NO. 1

On March 19, 1979 at approximately 10:00 p.m. the claimant, then age 44, was attacked and slashed in the face with a broken beer glass by a male person on the premises of a hotel beer parlor in Ganges, B.C. The incident occurred without warning after the claimant had chastised the assailant concerning the assailant's apparent harassment of the claimant's girlfriend during the evening. The actual attack occurred some minutes later while the claimant was sitting at a table and preparing to leave the beer parlor. The responsible party was subsequently charged with causing bodily harm with intent in connection with this incident. Due to the death of the accused prior to the trial of this matter all legal proceedings in the case have been stayed.

The claimant was seen at hospital emergency ward on the same day. His injuries are described as deep lacerations of the left cheek with severance of an artery resulting in extensive blood loss and marked swelling of surrounding tissues. Lacerations extended from approximately 1 inch below the left eye down to approximately 1 inch above the corner of the left side of the mouth and extended to a depth of the maxillary bone. Approximately 30 sutures were applied to close the lacerations. He was not admitted to hospital on that occasion. He continued to see a physician during the following weeks. Following initial suturing and as a result of continued bleeding, the lacerations were explored under general anaesthesia. A considerable quantity of glass fragments were removed. No additional specific treatment was carried out. On October 7, 1982 he was examined by a Board doctor and interviewed by a Board investigator. The claimant states that he has experienced symptoms of tightness on opening his mouth fully as a result of the scar tissue on his cheek. He has also experienced some weakness he states in the left side of his mouth and has had some difficulties with a speech impediment as a result of the injuries. The medical examination revealed that the injuries have healed. Remaining facial scars constitute relatively mild cosmetic defects. Symptoms of mild left facial paralysis at the mouth corner remain. The symptoms of weakness in the mouth and of speech impediment have resolved. The claimant is not considered to be in any way disabled and no other sequelae of these injuries are to be expected.

The claimant was employed by a drilling and blasting contractor at the time of this incident. His gross weekly wage from that employment amounted to $447.37 plus 12% holiday pay. He remained off work during the period from May 21 to June 4, 1979. He incurred $192.50 in medical and related expenses and approximately $50.00 in clothing damage taking into account reasonable wear and tear. In addition, a number of expenses pertaining to disbursements arising in the claimant's own legal action have been submitted.

The claimant is a victim of crime within the meaning of the Act and is entitled to be compensated for the injuries sustained in this incident. The Act does not provide for the payment of compensation in respect of costs incurred in the form of either legal fees or disbursements arising in the conduct of a civil action. Compensation accordingly cannot be awarded in respect of these particular items of expense in this situation. An award of $242.50 is therefore assessed with respect to the above enumerated items of medical expense and clothing damage.

Taking into the consideration the loss of wages sustained due to the injuries, the nature of the injuries sustained, the nature and degree of the pain and

ILLUSTRATION NO. 1 - Continued

suffering and its duration, the residual facial scars remaining, the residual but mild condition of left facial paralysis remaining, future sequelae, if any, and the inconvenience occasioned by the injuries, an additional award of $5,800.00 is assessed to compensate the claimant in that respect.

Section 8(1) of the Act provides that compensation may be awarded whether or not any person is prosecuted for or convicted of the offence giving rise to the injury.

AWARD: $6,042.50

ILLUSTRATION NO. 2

On December 29, 1981 the deceased, age 67, was involved in an altercation with another man outside an Army and Navy club in Maple Ridge, B.C. During this altercation the deceased evidently fell to the ground and was later pronounced dead. At autopsy the deceased was found to have a large bruise to the occipital area on the scalp with contusion of the right frontal lobe of the brain plus cerebral edema and cerebellar coning. He also had advanced atherosclerotic heart disease and hypertensive heart disease with an enlarged heart. The pathologist noted that the cerebral edema with coning could account for the sudden death. In his opinion, however, the amount of damage to the frontal lobe was minimal and then unlikely to result in such a degree of edema. The pathologist noted that the deceased had a severely compromised heart and concluded that the sequence of events would be more likely cardiac arrythmia possibly initiated by the excitement of the events and complicated by the concussion experienced upon striking the ground.

Police investigation of this incident revealed that the deceased had been drinking on the night in question and had become involved in an argument with a man and a woman while inside the subject club. The deceased was asked to leave the premises by the management and apparently did so without incident. A short while later the man and woman left the club and were confronted by the deceased. The deceased evidently attacked the woman, and the man, who is her 66 year old husband, apparently came to her aid. An altercation followed and ultimately resulted in the deceased falling to the ground.

No criminal charges have been laid in connection with the deceased's death. A Coroner's Inquest was conducted on June 29, 1982. The Coroner's Jury concluded that the cause of the deceased's death was cardiac arrythmia and this was brought about by the altercation outside the club.

An application for benefits has been received from the son of the deceased. The claim is for funeral and incidental expenses.

The Act defines a victim of crime as a person injured or killed in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act provides that the Board shall be regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury or death, in determining whether to award compensation and the amount thereof. Having regard to the pathological findings, the Coroner's Jury verdict along with all other facts and circumstances of this case, it cannot be concluded that the deceased was a victim of crime within the meaning of the Act. His death is considered to be attributable to causes other than the commission of a scheduled criminal offence. The evidence would indicate that the deceased had been the aggressor on the night in question and had voluntarily entered, if not initiated, the altercation which ultimately resulted in his death. In the result there can be no compensation awarded on this

ILLUSTRATION NO. 2 - Continued

claim since the deceased cannot be classified as a victim of crime within the meaning of the Act.

NO AWARD

ILLUSTRATION NO. 3

On January 1, 1981 at approximately 5:00 p.m. the claimant, then age 35, received stab wounds of the stomach and abdomen during a scuffle with a male person who wielded a knife near the claimant's residence in the vicinity of Kelowna, B.C. The claimant states that he had been drinking and was at least partially under the influence of alcohol at the time. He states that he had become involved in an argument with the other party concerning the sale by the claimant to the assailant of a car. The claimant states that the other party had earlier brandished a knife and had threatened the claimant during the course of a verbal exchange concerning the car. Investigation indicates that subsequently and after asking the assailant and his brother to leave his residence the claimant had heard the sound of the assailant damaging the claimant's truck outside. Investigation indicates that at that point the claimant ran outside and tackled the other party at which point a fight occurred. During the fight the claimant received his injuries. The other party was later charged with causing bodily harm with intent in connection with this incident.

The claimant was hospitalized following the attack with injuries described as multiple stab wounds of the chest and abdomen with penetration of the left lung and stomach and diaphragm and lacerations of the spleen and bowel. The wounds were explored and repaired during surgery including 2 individual stab wounds of the stomach. He also received treatment for a condition of traumatic pneumothorax. He remained in hospital for a period of 1 week. On April 7, 1982 he was examined by a Board doctor and interviewed by a Board investigator. The medical examination states that he was employed as a mechanic at the time of this incident. He states that he had commenced work for his employer during the month prior to this incident. No substantiation of this employment has been forthcoming from the employer. The claimant states that he is unable to substantiate his alleged earnings by way of income tax returns because he does not file income tax returns. The claimant states that prior to this employment he had been self-employed as a mechanic. Subsequent to this incident and commencing in August of 1981 the claimant received social assistance benefits and at the monthly rate of $320.00. It should be stated that in absence of proper and objective evidence of an income loss, very little consideration of an alleged income loss can be given in the assessment of a claim under the Act. The claimant states that he has had a "falling out" with his previous employer and that is why no substantiation has been forthcoming from that source. As stated, however, in the absence of substantiation in the form of income tax returns a very limited consideration will be given in this regard.

The claimant is a victim of crime within the meaning of the Act and is entitled to be compensated for the injuries sustained in this incident.

Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. The claimant admits that he had been drinking substantially on the day in question and had become involved in an argument with the other party. The claimant also states that he was aware that the other person had a knife in his possession at the time of this incident. Investigation indicates that the claimant had subsequently involved himself in a fight with the assailant

ILLUSTRATION NO. 3 - Continued

and notwithstanding the claimant's knowledge that the other party was armed with a knife. Under the circumstances it is not considered that the claimant had taken reasonable precautions for his own safety. It is determined that in view of his own actions he has contributed to some degree toward the situation in which he was ultimately injured. While the other party undoubtedly used excessive force in the circumstances, the claimant had placed himself in the situation in which he was in considerable danger. His contribution will accordingly be taken into account in the assessment of the award of compensation.

Taking into consideration the claimant's contribution toward the injuries, the loss of wages that may have been sustained due to the injuries, the nature of the injuries sustained, the nature and degree of the pain and suffering and its duration, future sequelae, if any, and the inconvenience occasioned by the injuries, an award of $2,200.00 is assessed to compensate the claimant in that respect.

REDUCED AWARD: $2,200.00

EXAMPLES OF ALLOWED CLAIMS

89681 A 24 year old female was attacked, threatened with a knife and then dragged to a nearby truck in an attempted abduction incident on a street in Vancouver, B.C. Two male persons subsequently fled from the scene before they were able to force the claimant into the vehicle. Both culprits were later apprehended and ultimately convicted of charges of rape and indecent assault in connection with this and other unrelated episodes. Claimant's evidence was material in arriving at those convictions. Claimant did not receive physical injuries in the attack. She did receive treatment for a state of mental anxiety. Award: $2,400.00 (pain and suffering, etc.).

89981 A 28 year old female was attacked without warning and for no apparent reason and beaten about the face and head by a male person in a hotel in Vancouver, B.C. The culprit was convicted of assault causing bodily harm. Victim received multiple injuries including a nasal fracture. Award: $2,600.00 (loss of wages, pain and suffering, etc.).

91081 A 21 year old male was attacked and beaten by a man at a private residence in Langley, B.C. Police investigation has failed to identify the culprit. Victim was hospitalized for 5 days and received treatment for injuries including maxillary, orbital floor and nasal fractures, a traumatic hyphema of the left eye and multiple contusions and lacerations and a neck strain. Award: $2,810.00 (transportation $10.00; pain and suffering $2,800.00).

90981 A 16 year old female was attacked, physically abused, forced to commit an indecent act and robbed by 2 men in a deserted area in Vancouver, B.C. Victim's female companion was also sexually assaulted and in addition raped by the assailants. Both assailants were convicted of charges of rape and indecent assault. Victim received medical treatment for multiple abrasions and contusions and an anxiety state. Award: $1,600.00 (pain and suffering, etc.).

91581 A 25 year old male was attacked, beaten, kicked and robbed by a male and 2 female persons whom victim had picked up as hitchhikers on a street in Vancouver, B.C. The culprits have not been identified. Victim received multiple facial contusions and periorbital hematomas. Award: $1,199.00 (ambulance account $22.00; replacement eyeglasses $137.00; clothing damage $40.00; loss of wages, pain and suffering, etc. $1,000.00).

91881 A 19 year old male was attacked, punched in the face and knocked to the ground at an automobile service station in Boston Bar, B.C. Assailant charged with 2 counts of assault causing bodily harm. Victim's injuries included a linear skull fracture, a minor contusion and hematoma of the brain and multiple contusions. Victim was also found to have a partial left neurosensory deafness condition due to the attack. Award: $4,115.00 (medical expenses $165.00; transportation costs $50.00; loss of wages, pain and suffering $3,900.00).

10582 A 17 year old male was attacked, beaten and kicked by a group of persons near a community centre in Coquitlam, B.C. The assailants have not since been identified. Victim received multiple contusions of the face and head. Award: $865.00 (transportation costs $15.00; loss of wages, pain and suffering, etc. $850.00).

10982 A 48 year old male received a gunshot wound to the chest when shot by a rifle wielding man at a private residence in Langley, B.C. The culprit was charged with attempted murder. Victim hospitalized for 3 weeks with injuries including a gunshot wound of the upper abdomen with passage of a bullet through the right liver lobe and with an exit wound in the area of the 12th rib. Victim subsequently readmitted to hospital for 8 days with complicating conditions of jaundice and a

fever relatable to the wound. A condition of hepatitis was also diagnosed as relating to this incident. Award: $4,942.00 (hospital co-insurance $173.00; ambulance account $19.00; loss of wages, pain and suffering, etc. $4,750.00).

11682 A 22 year old male was attacked, beaten and slashed with knives by several male persons near a pool hall in Burnaby, B.C. The culprits were charged with attempted murder and possession of a dangerous weapon. Victim's injuries included multiple lacerations of the shoulders, back, left thumb and mouth, including a deep laceration of the upper lip penetrating through into bone beneath the mouth and resulting in evulsion of 2 teeth. An alveolar fracture of the right maxilla was later diagnosed by a dentist. Award: $2,361.65 (dental repairs $211.65; loss of wages, pain and suffering, etc. $2,150.00).

12182 A 36 year old male sustained fatal injuries when attacked and shot by an unknown person while riding as a passenger in a car on a highway near Dawson Creek, B.C. Police investigation has to date failed to identify the assailant. Victim's widow made application on behalf of herself and 4 children of their marriage. Award: funeral and burial expenses $1,682.00; a periodic award of $200.00 per month to widow until her death or remarriage; periodic awards of $100.00 to each of 4 children until age 18 or in the event of regular attendance at academic, technical or vocational school until age 21.

13382 A 19 year old male was attacked and beaten by several male persons at his residence in Surrey, B.C. Criminal proceedings in the case were stayed due to a lack of evidence. Victim's injuries included multiple mandibular fractures, multiple fractured ribs, a concussion, multiple contusions and lacerations. He was hospitalized for 6 days. Award: $3,681.00 (hospital co-insurance $39.00; ambulance account $22.00; transportation costs $10.00; clothing damage $10.00; loss of wages, pain and suffering, etc. $3,600.00).

14382 A 36 year old female was attacked, threatened repeatedly, forced to disrobe, beaten, forced to commit an indecent act and raped by a male person near a street in Vancouver, B.C. The culprit has not been identified. Victim's injuries included multiple contusions and lacerations and an anxiety state. Award: $5,084.78 (drug cost $19.78; physiotherapy expense $120.00; damaged eyeglasses $135.00; transportation cost $5.00; clothing damage $55.00; loss of wages, pain and suffering, etc. $4,750.00).

14982 A 75 year old female was attacked from behind and robbed by a man in a purse snatching incident on a street in Vancouver, B.C. The culprit has not been identified. Victim's injuries included a contusion and strain of the right long finger and an anxiety state with onset of chest of pain. Award: $2,054.50 (hospital co-insurance $32.50; ambulance account $22.00; pain and suffering, etc. $2,000.00).

16282 A 67 year old male was attacked, beaten and knocked to the ground in an attempted robbery incident by 2 men near an apartment building in Vancouver, B.C. The culprits have not been identified. Victim received injuries including a colles fracture of the left wrist, a severe left shoulder strain and multiple contusions of the ribs. Victim is left with a permanent condition of a frozen left shoulder as well as marked restriction in movement of the left wrist. Award: $5,148.50 (hospital co-insurance $16.50; ambulance account $22.00; medical expenses $110.00; pain and suffering, etc. $5,000.00).

17382 A 92 year old female was attacked, choked and robbed by a man who had entered her residence in Vancouver, B.C. The culprit has not been identified. Victim received medical attention from paramedical staff for injuries including multiple contusions and abrasions. No other treatment was required. Award:

EXAMPLES OF ALLOWED CLAIMS

$900.00 (pain and suffering, etc.).

19282 A 29 year old male was attacked and punched repeatedly in the face by a man on a restaurant parking lot in New Westminster, B.C. The culprit was charged with assault causing bodily harm. Victim hospitalized for 3 days with injuries including multiple contusions of the face and a blunt trauma of the right eye resulting in a traumatic hyphema. Hospital examination further revealed an aggravation of a pre-existing eye injury which had resulted in cataract surgery prior to the attack. He was later readmitted for 8 days to hospital. Surgery was performed to repair a ruptured globe relatable to this incident. Victim is left with permanent loss of right vision. Award: $11,550.00 (prosthetic eye purchase $550.00; loss of wages, pain and suffering, etc. $11,000.00).

19982 A 30 year old male received fatal injuries when shot by an intoxicated man at his residence in Victoria, B.C. The assailant was convicted of murder. Victim's mother was awarded $1,715.80 in respect of her claim for funeral, transportation and incidental expenses.

24582 A 13 year old female received fatal injuries. Her body was discovered in a wooded area near Agassiz, B.C. Police investigation revealed that the deceased had been murdered on or about June 21, 1981. The man responsible for this death subsequently pleaded guilty to 11 counts of murder in relation to this and other incidents. The deceased's mother claimed for loss of pecuniary benefit. Investigation revealed that the deceased had on occasion babysat for reward and had assisted her mother in doing household chores, cooking meals and other like duties. Award: $4,500.00 (loss of pecuniary benefit).

25882 A 29 year old female was attacked, physically abused, threatened with a knife, dragged into a bushy area, forced to disrobe, forced to commit an indecent act and raped twice by a male person near a road in the vicinity of Ganges, B.C. Subsequently, and while attempting to escape, victim was stabbed in the back with a knife by the assailant. Police investigation has failed to identify the culprit. Victim was hospitalized for 9 days with injuries including multiple contusions, abrasions and lacerations, a stab wound of the back with penetration into the chest cavity and right lung and resulting in a condition of hemopneumothorax and an anxiety state due to a rape. Victim was a self-employed entertainer and musician. Financial statements revealed a substantial loss of income due to the injuries. Award: $10,571.70 (hospital co-insurance $49.50; ambulance account $22.20; loss of income, pain and suffering, etc. $10,500.00).

27882 A 45 year old male was attacked, beaten and kicked repeatedly, and robbed by 2 men on the premises of a victim's residence in Prince George, B.C. One man was convicted of robbery. Victim hospitalized for 16 days with injuries including multiple contusions, multiple right rib fractures, and corneal scleral laceration of the left eye. Due to extensive damage the left eye was surgically removed. Victim left with a permanent loss of his left eye vision. Award: $19,994.12 (hospital co-insurance $104.00; ambulance account $131.94; dentures repairs $248.00; medical expenses $1,510.18, pain and suffering, etc. $18,000.00).

29382 A 63 year old female was shot with a handgun by a man on the premises of a hotel in Coquitlam, B.C. The culprit was charged with attempted murder. Victim admitted to hospital for 2 weeks. Her injuries include gunshot wounds of the left lower arm, left lower chest and upper left abdomen resulting in perforation of the spleen and diaphragm. Hospital examination also revealed a compound comminuted fracture of the left radius as a result of the attack. Victim is left with a permanent inability to pronate her left lower arm. Award: $7,855.00 (hospital co-insurance $91.00; ambulance expense $22.00; physiotherapy cost $102.00; clothing

damage $140.00; pain and suffering, etc. $7,500.00).

30982 A 22 year old female was attacked, repeatedly threatened, raped and then stabbed repeatedly with a knife by a man in a deserted area near Osoyoos, B.C. Victim's female companion was also attacked, raped and subsequently received numerous stab wounds from which she ultimately died. The culprit was convicted of murder in connection with the case. Victim hospitalized for 12 days with injuries including multiple stab wounds of the neck, back and mid-chest, multiple lacerations, contusions and abrasions, a condition of left pleral effusion, and an anxiety state. Victim subsequently received long term psychiatric care related to the anxiety and mental stress arising from the attack upon her person, the death of her friend and the fact that victim became pregnant as a result of the rape and was accordingly forced to undergo an abortion. Award: $25,000.00 (clothing damage, transportation expense, loss of wages, pain and suffering, etc.).

35082 An 18 year old female was attacked and pulled heavily to the ground by a male person in a purse snatching incident on a street in Victoria, B.C. The culprit has not been identified. Victim's injuries included multiple contusions and abrasions and an anxiety state. Victim did not require and did not seek any medical attention. Award: $530.00 (clothing damage $30.00; pain and suffering, etc. $500.00).

35182 A 29 year old female and her family, including her husband and children, were subjected to a robbery incident at the hands of 3 armed men who had forcibly entered their residence in Surrey, B.C. During a 2 hour period victim and her family were terrorized, repeatedly threatened, bound and tied, and robbed by the assailants. Culprits have not since been identified. Victim suffered from minor bruising of her wrist and an anxiety state. Victim, her husband and 2 children were all treated for mental and emotional stress arising from this incident. Award: $7,455.00 (a) Victim $2,400.00, loss of wages, pain and suffering, etc.; b) Victim's husband $2,400.00, loss of wages, pain and suffering, etc.; c) Victim's son, age 9 $1,400.00; d) Victim's daughter, age 2 $1,200.00).

36582 An 18 year old male received injury during a struggle with a man on the premises of a church in Vancouver, B.C. Victim was injured at the hands of an apparently mentally unstable assailant after the culprit had entered the church and had fired several shots from a handgun. A female member of the church congregation received fatal injuries during the shooting. Victim's injuries included multiple contusions, a sprain of the left knee and an condition of reactive depression. Award: $2,400.00 (loss of wages, pain and suffering, etc.).

36982 A 32 year old male was attacked and struck on the head with a rock by a man during a scuffle near Chemainus, B.C. Victim had attempted to intercede after his observance of an attempted theft on the part of the assailant and 2 other men of property belonging to victim. Culprit was convicted of assault causing bodily harm. Victim has received treatment for injuries including a scalp laceration, fracture of the 5th metacarpal of the right hand, multiple contusions, and a contusion and hemorrhaging of the left temporal lobe of the brain. Victim also suffered from a difficulty with his speech and a degree of disorientation for a period of time following this incident. Some residual dysfunction of intellectual capacity has remained. Award: $14,000.00 (loss of wages, pain and suffering, etc.).

47682 A 21 year old female received injuries when pushed or caused to fall into a glass window during a fight at a private residence in Kelowna, B.C. Victim was not involved in the disturbance and had been attempting to leave the area when she was pushed heavily against the windows. Victim received a deep 10 inch laceration across the back of the left shoulder extending down and through muscle layers and

EXAMPLES OF ALLOWED CLAIMS

a laceration of the lumbar back. Victim also forced to seek treatment for a related condition of tendonitis. Victim left with disfiguring scars at the laceration sites. Award: $3,025.00 (clothing damage $150.00; transportation costs $25.00; pain and suffering $2,850.00).

55482 A 44 year old female was attacked, punched in the face and robbed by 3 female youths in a hospital facility in Surrey, B.C. Victim was a patient at the hospital and was convalescing from recent surgery at the time of the attack. Assailants had entered victim's room with the intent of stealing her purse. Criminal charges have been laid in connection with this case. Award: $1,600.00 (pain and suffering, etc.).

84582 A 26 year old male was attacked, beaten and robbed by several men during a house party at a private residence in Vancouver, B.C. The culprits have not been identified. Victim received medical treatment for injuries including multiple contusions and lacerations of the face, the loss of an amount of scalp hair and multiple abrasions of the neck, left forearm and right elbow. Award: $1,130.00 (clothing damage $30.00; loss of wages, pain and suffering, etc. $1,100.00).

86782 An 82 year old female was attacked and knocked heavily to the ground by 2 male youths in a purse snatching incident on a street in Langley, B.C. Criminal charges have since been laid against the culprits. Victim received treatment for injuries described as multiple contusions and abrasions of the knees, left wrist and palms of both hands. Award: $2,165.95 (hospital co-insurance $2.00; replacement eyeglasses $163.95; pain and suffering, etc. $2,000.00).

EXAMPLES OF DISALLOWED CLAIMS

89581 A 60 year old male alleged that he was injured when he was attacked and beaten on the lower back and robbed by an unknown person near a street in Vancouver, B.C. Claimant advised that he had a very limited recollection of the attack but stated he remembered a "great pounding in the back" and following which he fell to the ground. Hospital examination revealed absolutely no indication of any back injury or any injury consistent with an attack. Further, police investigation revealed that claimant had made several previous reports of similar attacks to police and all during the same month as the incident giving rise to the claim. Police were very skeptical of all of the incidents. The only diagnosis made on the occasion of claimant's hospital admission was alcohol intoxication and alcoholic gastritis. No award was made as it was considered that there was insufficient evidence that claimant was a victim of crime within the meaning of the Act. The evidence was on the contrary that claimant had fallen due to extreme intoxication on each or any of the above noted occasions.

89781 A 30 year old male received injury when struck with an unknown object by an unknown person during an alleged "anti-racist demonstration" in a park area in Vancouver, B.C. Investigation indicates that this incident occurred during a large altercation of riot proportions. Claimant nonetheless voluntarily participated in the disturbance by donning protective equipment including a motorcycle helmet and then by mingling with combatants in the area. Claimant reported this incident to police only after a 10 day period and admittedly for the purpose of facilitating a claim for benefits under the Act. No award was granted as it was apparent that claimant had contributed toward his injuries to such an excessive degree as to disentitle him to any award of compensation. Claimant had ample opportunity to leave the area prior to violence occurring but rather chose to participate in the events.

90781 A 28 year old male alleged that he was attacked and beaten by several members of the staff of a restaurant in Vancouver, B.C. An argument had occurred over the price of a meal served to the claimant. Investigation revealed that claimant had struck the first blow which commenced the altercation. Further, claimant later refused to lay any criminal charges in the matter and in doing so denied that he had received any injuries. No award was made as, despite the question as to whether any injuries were received, claimant did not cooperate with police and refused to lay the appropriate criminal charges. Claimant also was largely responsible by his own actions for commencing this incident.

91181 A 28 year old male alleged that he was attacked, threatened with a knife, slashed repeatedly, and physically abused by 3 unknown persons whom claimant had discovered in the act of an attempted robbery on the premises of a store in Langley, B.C. Investigation revealed a large number of discrepancies surrounding this matter. According to police there was absolutely no indication of any struggle or altercation as described by claimant on the store in question. According to store proprietor "next to nothing" was found to be out of place. As well claimant did not display any injuries consistent with the attack as described by him. No award was granted as it was considered that there was insufficient evidence from which to conclude that the claimant was attacked in the manner suggested or at all. There was every indication that the story concerning the attack was a complete fabrication.

11082 A 25 year old female alleged that she was attacked and slashed in the face with a knife or other sharp object by a female person during an attack on a street in Vancouver, B.C. Claimant denied that she had in any way provoked the alleged assailant. Investigation revealed that a criminal charge of assault causing bodily harm laid against the accused was dismissed. A review of the evidence and proceedings at the trial was indicative that claimant had struck at the other party

first. The claimant then, according to the evidence, actively indicated her willingness to fight by removing her coat. The evidence also indicated that the claimant had commenced hostilities upon overhearing a conversation involving the accused and which initially was not directed at the claimant at all. No award was granted as the claimant had contributed so substantially toward the injuries as to disentitle her to any award of compensation. The disposition of the criminal trial was also taken into account in arriving at the decision made with respect to the claim.

11882 A 20 year old female alleged that she received injuries when punched in the face by a male person on a parking lot near a hotel beer parlor in Vancouver, B.C. Claimant at no time laid any criminal charges in connection with this matter. Investigation revealed that on 3 different occasions claimant had provided 3 separate versions as to how her injuries were received. At one point claimant evidently advised hospital staff that she had been injured in a motor vehicle accident. She gave this explanation by her own admission to avoid having to lay criminal charges in connection with the case. No award was granted as claimant had not made a full and frank disclosure of the true circumstances in which her injuries received. She admitted having provided a falsified story in order to avoid police involvement in the case. In view of her extremely poor credibility there was no justification for making an award in this case.

18082 A 55 year old male sustained fatal injuries when punched and knocked to the ground by another man during a fight on a street in Dawson Creek, B.C. An application for benefits was received from the widow of the deceased on behalf of herself and the 2 children of their marriage. No award was granted as it was found that the deceased had been a voluntary participant in a drunken brawl during which the deceased had commenced hostilities. Following a trial before a judge and jury the accused was found not guilty of a charge of manslaughter in connection with the case. The jury accepted the evidence of the accused that he had struck the deceased on only one occasion and which was done to ward off a blow from the deceased. No award could be made in light of the deceased's own extreme contribution toward this incident.

18482 A 34 year old male advised that he was attacked and struck in the face with a beer glass by a man on the premises of a hotel beer parlor in Campbell River, B.C. A charge of assault causing bodily harm was laid in connection with the incident. A stay of criminal proceedings was ultimately entered due to claimant's non-appearance at the criminal trial. No award was granted as the claimant had deliberately failed to attend the criminal trial. As a result prosecution of the accused was impossible. In light of the claimant's failure to cooperate in the criminal justice system he was in no position to claim benefits as a victim of crime under the Act.

26282 A 32 year old female received injuries when beaten by her common-law husband at their residence in the area of Smithers, B.C. Claimant advised that this was one of a long series of assaults and beatings at the hands of her common-law husband. The attack on this particular occasion was in the words of the claimant due to her failure to "have the dinner ready" when the assailant arrived home. Nonetheless, claimant subsequently withdrew criminal charges in the case with a result that the assailant was never prosecuted. No award was granted due to claimant's failure to proceed with the appropriate criminal charges. Investigation also revealed that claimant had voluntarily continued to live with the assailant despite numerous attacks and beatings. It was considered that claimant had voluntarily acquiesced in the assailant's behaviour and had substantially contributed toward the situations in which she was attacked by continuing to live with the assailant.

EXAMPLES OF DISALLOWED CLAIMS

33282 A 21 year old male received fatal injuries when shot by a police officer near a private residence in 100 Mile House, B.C. The shooting occurred during police investigation of an armed robbery involving the deceased. During police investigation and while the deceased was a suspect in the robbery of a service station attendant earlier during the night in question, the deceased had been discovered hiding in a parked vehicle near the scene of the robbery. The deceased was fatally wounded while fleeing to avoid capture by police and after ignoring requests by a police officer to stop. An application for benefits was received from the deceased's mother for "extreme mental and emotional damage". No award was granted as the deceased had met his death while trying to avoid apprehension by police and in circumstances in which he had contributed toward his death within the meaning of the Act. Further, the Act does not provide for the payment of compensation in recognition of mental anguish and emotional trauma arising from a deceased's death. This exclusion is applicable even if the deceased can be classified as a victim of crime within the meaning of the Act.

WCB OFFICES ARE LOCATED IN:

CHILLIWACK
St. 21 - 8635 Young Road S.
V2P 4P3
Telephone: 792-0751
Telex: 043-61522

COURTENAY
426 - 8th Street
V9N 1N5
Telephone: 338-5484
Telex: 044-62540

CRANBROOK
100 - 7th Avenue S.
V1C 2J4
Telephone: 426-6694
Telex: 041-45155

FORT ST. JOHN
9512 - 100th Street
V1J 3X6
Telephone: 785-8371
Telex: 036-75188

KAMLOOPS
627 Victoria Street
V2C 5T4
Telephone: 374-5621
Telex: 048-8155

NANAIMO
420 Albert Street
V9R 2B7
Telephone: 754-4431
Telex: 044-706

NELSON
327 Baker Street
V1L 4H6
Telephone: 352-2291
Telex: 041-572

PENTICTON
257 Brunswick Street
V2A 5P9
Telephone: 493-2024
Telex: 048-88147

PRINCE GEORGE
299 Victoria Street
V2L 5B8
Telephone: 563-9264
Telex: 047-8608

PRINCE RUPERT
222 - 3rd Avenue West
V8J 1L1
Telephone: 624-6721
Telex: 047-89171

RICHMOND
6951 Westminster Highway
V7C 1C6
Telephone: 273-2266
Telex: 04-357722

TERRACE
4450 Lakelse Avenue
V8G 1P2
Telephone: 635-6536
Telex: 047-85559

VERNON
3306 - 32nd Avenue
V1T 2M6
Telephone: 545-4401
Telex: 048-85277

VICTORIA
320 Cook Street
V8V 4W1
Telephone: 381-2223
Telex: 049-7284

WILLIAMS LAKE
302 - 383 Oliver Street
V2G 1M4
Telephone: 392-2376
Telex: 048-80518